

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 22-61236-CIV-ALTONAGA/Strauss

TONYA LARUE,

Plaintiff,

v.

KILOLO KIJAKAZI, Acting Commissioner
of Social Security Administration,

Defendant.

ORDER

On June 29, 2022, Plaintiff, Tonya Larue filed a Complaint [ECF No. 1] seeking review of Defendant, the Acting Commissioner of the Social Security Administration's decision denying her disability insurance benefits and supplemental security income under Title II and Title XVI of the Social Security Act, 42 U.S.C. section 401, *et seq.* The matter was referred to Magistrate Judge Jared M. Strauss for a report and recommendation on dispositive matters. (*See* Clerk's Notice [ECF No. 2]). Thereafter Plaintiff filed a Motion for Summary Judgment [ECF No. 20], and Defendant filed a Motion for Summary Judgment [ECF No. 21]. On February 28, 2023, Magistrate Judge Strauss entered his 17-page Report and Recommendation [ECF No. 23], recommending the Court grant Plaintiff's Motion; remand the decision of the Administrative Law Judge ("ALJ"); and deny Defendant's Motion.

Defendant has filed no objections to the Report, and the time to object has passed. When a magistrate judge's "disposition" has properly been objected to, district courts must review the disposition *de novo*. FED. R. CIV. P. 72(b)(3). When no objection is made, as here, the Report


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need only be reviewed for clear error. *See Macort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006) (citations omitted).

The undersigned fully agrees with the analysis and recommendations stated in Judge Strauss's Report and finds no clear error. Accordingly, it is **ORDERED AND ADJUDGED** that

1. The Report and Recommendation [ECF No. 23] is **AFFIRMED** and **ADOPTED**.
 2. Plaintiff's Motion for Summary Judgment [ECF No. 20] is **GRANTED**, and Defendant's Motion for Summary Judgment [ECF No. 21] is **DENIED**. A final summary judgment shall be entered separately.
 3. This matter is **REMANDED** to the Acting Commissioner for further proceedings, including the furnishing of adequate explanations, consistent with the Report.
- The Clerk is directed to **CLOSE** this case.

DONE AND ORDERED in Miami, Florida, this 17th day of March, 2023.



CECILIA M. ALTONAGA
CHIEF UNITED STATES DISTRICT JUDGE

cc: counsel of record